

TOPETE
MARCO ANTONIO
RULING

DPT7

7/03/08

CRF 080003355
3:30PM

001 PC187(A)

002 PC120.31(A) (1003 PC120.31(A) (17

003 PC120.31(A) (17

004 VC2800.2(A)

005 PC186.22(A)

006 PC272A(A)

JUDGE

ROSENBERG, DAVID

CTRPTR

Muller

BOOKING FEE \$154.48 CLERK

Salmon

A APPEARANCES:

- 1 ☒ Deft. appears ☐ In custody ☐ Deft. not appearing
2 ☒ With / by Atty. / Pub. Def. Johansson, Olson, Melton
3 ☒ Deputy Dist. Atty. Reising
4 ☐ Deputy Probation Officer
5 ☐ Interpreter sworn L:
6 ☐
7 ☐ Stip. to Pro-Tem Judge

B ARRAIGNMENT:

- 1 ☐ Answers true name as charged
2 ☐ Waives reading of Compl / Info / Dec
3 ☐ Handed copy of Compl / Info / Dec
4 ☐ Handed copy of Discovery
5 ☐ Defendant Duly Arraigned
6 ☐ Waives Formal Arraignment

C REFERRALS ORDERED:

- 1 ☐ Referred to: PUBLIC DEFENDER
2 ☐ Referred To: PROBATION
3 ☐ Pre-Plea ☐ Bail Study ☐ O.R. Report
4 ☐ R & S ☐ Diversion ☐ Supplemental
5 ☐ Pub. Def. Conflict Filed; Appointed
6 ☐ Report to _____ for booking

D ORDERED CONTINUED TO:

- Date 7-18-08 Time 8:30 For Furth Dept 9
1 ☒ Proceedings/Arr
2 ☐
3 ☐
4 ☐
5 ☐ Copies to DA _____ 6 ☐ Crt Ack _____ Rpt
7 ☐ Continued Party Mot. 8 ☐ Continued Court Mot.

E MOTIONS / AMENDMENTS / ORDERS:

- 1 ☐ Motion to / for _____
2 ☐ Argued & Submitted ☐ Submitted without argument
3 ☐ Granted ☐ Denied ☐ Taken Under Submission
4 ☐ Grounds: _____
5 ☐ Complaint amended on its face to add CT # _____
6 ☐ a violation of section _____
7 ☐ Count # _____ Reduced to _____ ☐ 17b
8 ☐ Complaint amended on its face to correct count # _____
9 ☐ to a violation of _____
10 ☐ Protective Order signed / filed / served in open court / to remain
11 ☐ in effect to _____

F WAIVERS / PLEAS:

- 1 ☐ Defendant waives Constitutional Rights
(SEE REVERSE)
2 ☐ Pleads Guilty, CT # _____
3 ☐ Pleads No Contest, CT # _____
4 ☐ Pleads Not Guilty, CT # _____
5 ☐ Jury Trial Waived / Demanded
6 ☐ Time for Trial / PX / Waived / NOT Waived / Cont.
7 ☐ Defendant requests permission to withdraw
NOT GUILTY / GUILTY / NO CONTEST Plea

- 8 ☐ Prior convictions _____
9 ☐ Admitted ☐ Denied
10 ☐ Constitutional Rights and plea form filed
11 ☐ Defendant waives time for sentencing
12 ☐ Court Finds / Cou Stip: Factual Basis
13 ☐ Cou / Peo States Reason for Plea on the Record
14 ☐ Diversion granted, count _____ suspended
for _____ months.
15 ☐ Per Court / DA dismiss, Complaint / CT # _____

G WARRANT ORDERS:

- 1 ☐ Bench / Arrest Warrant to Issue
2 ☐ Bail Set at \$ _____
3 ☐ No NTA / OR Release
4 ☐ Recalled ☐ Filed ☐ Set Aside
5 ☐ Hold Until _____
6 ☐ Held Warrant Issued
7 ☐ Civil Assessment Ordered \$300.00

H PROBATION ORDERS: ☐ Formal ☐ Informal ☐ See Probation Order

- 1 ☐ Probation Reinstated / Modified: Original terms in full force and
effect except as follows;
2 ☐ Sentenced to _____
3 ☐ Case transferred to _____ purs. to 1203.9PC
4 ☐ Defendant given rights to Revocation Hearing: Admits / Denies allegations.

- 5 ☐ Sent to State Prison, Execution of Sent. Susp.
6 ☐ Probation Revoked: Defendant found in violation of probation.
7 ☐ Probation terminated
8 ☐ Diversion terminated: passed / failed
9 ☐ Criminal Proceedings Reinstated / Dismissed
10 ☐ Probation Extended to _____
11 ☐ Proceedings Susp
12 ☐ Def Accepts Prob. / Reinstatement

I FINE / REFERRAL ORDERS:

- 1 ☐ Fine (Inc. P/A) 6 ☐ Other
2 ☐ A/R Fee \$35 7 ☐ _____ Mo./Beginning
3 ☐ Court Sec. \$20
4 ☐ NTA Fee \$10 8 ☐ Referred to traffic school
5 ☐ Rest 1202.4 \$110/\$220 \$ _____ by _____

- 9 ☐ Proof shown dismiss CT # _____
10 ☐ Fine / Jail Suspended on CT # _____
11 ☐ Pay attorney fee costs ☐ Misd. ☐ Felony ☐ Waived
12 ☐ Proof of correction on CT # _____ due by _____
13 ☐ \$10.00 Fix-It Fee on CT # _____ due _____
14 ☐ Civil Assmt. owed \$300 or reduced to _____
15 ☐ Warrant repo & DMV Fees owed WR \$15 DMV \$10

J BAIL ORDERS:

- 1 ☐ BB / CB forfeited
2 ☐ BB / CB forfeiture set aside and reinstated / exonerated
3 ☐ Upon pmt. of \$ _____ for re-assumption fee.
4 ☐ BB / CB exonerated

K JAIL ORDERS:

- 1 ☐ Be imprisoned _____ hrs / days / months / yr. with CTS
2 ☐ Plus _____ days in lieu of fine in ☐ Co. Jail ☐ State Prison
3 ☐ See Additional Page for State Prison Sent.
4 ☐ Credit for Time Served _____ hrs / days / months
5 ☐ Sentence to commence _____
6 ☐ Serve consecutive / concurrent with _____

L REMANDING ORDERS:

- 1 ☒ Remanded to County Jail Bail set \$ No Bail
2 ☐ Remanded to Serve Time
3 ☐ Ordered Released ☐ On own OR ☐ Conditional
4 ☐ To be transported by Prob. Ofcr. / Program Rep.

M DEFENDANT STATUS:

- 1 ☐ OR ☐ BB ☐ CB ☐ NTA / LTA Continued ☐ ROP ☐ OTA
2 ☐ Search person / property / residence ☐ Test Alcohol / Drugs
3 ☐ Attend Counseling / NA / AA _____ x Week
4 ☐ Bring proof at next court date. ☐ Counseling to be approved by Probation.

I certify the foregoing copy of judgment rendered on the above date by the above named Judge.

CLERK OF THE COURT BY Salmon, DEPUTY

TO THE SHERIFF: The foregoing certified copy of Judgment in the above entitled action is your authority for the execution thereof. (PC1213)

SUPERIOR COURT IN THE STATE OF CALIFORNIA
COUNTY OF YOLO

PEOPLE OF THE STATE OF CALIFORNIA
Plaintiff,

Case CR-F -08-0003355

vs.

MINUTE ORDER

MARCO ANTONIO TOPETE
Defendant.

Judge: David Rosenberg
Clerk: Heather Salmon
Reporter: Michelle Muller
Date: July 3, 2008

HEARING: Ruling on Defendant's Motion #5 (170.1 PC), Cont Arr, Entry of plea

Counsel for the People: Jeff Reisig, DA

Counsel for Defendant(s): Barry Melton, PD
Tracy Olson, APD
Dean Johansson, APD

3:31 PM

Defendant present in custody. All counsel present in open court.

Defense counsel had filed a motion to disqualify for cause on 6-27-08.

Court had made a ruling. Copies of the ruling provided to counsel.

The court read aloud the Order on Defendant Marco Antonio Topete's Motion for Disqualification for Cause and Verified Answer of Judge David Rosenberg to Motion for Disqualification for Cause.

A Declaration of Shawn Landry has been filed and copies provided to counsel but not read aloud.

Court is unable to rule on Defendant's Motion #6 until the issue of disqualification has been resolved.

Counsel can prepare a stipulation for the court to sign, but there are a very limited number of issues the court can hear until the disqualification motion has been resolved.

Defense counsel Johansson stated objection to the Answer of Judge Rosenberg.

Defense counsel has a protective order regarding to subpoena duces tecum that has not been fully complied with.

Defense counsel Johansson stated the CD-Rom provided from the court does not have video of outside department 9. Counsel has been unable to find where the video from those cameras are.

Court advised Judge Lebov has been assigned to the court next week.

Counsel for the People suggested the court put the case over a couple days to see if all counsel could agree on a judge to here the disqualification motion.

Defense counsel Melton request the pending housekeeping issues be dealt with while waiting to get a judge to rule on the disqualification motion.

Counsel for the People stated it was unlikely counsel would be able to reach a stipulation as to a judge to hear the motion. The people request the matter be referred for a judicial assignment.

Defense counsel agreed to the referral to judicial counsel.

Since the court can hear default matters defense counsel Olson presented a proposed protective order which has been agreed upon by defense counsel and the District Attorney.

Counsel for the People submits on the issue of the protective order. He has reviewed the protective order and has no problems with it.

Court reviewed the proposed protective order. Court would like a protective order that is very clear as to what is and is not prohibited.

Court signed the protective order. This filed protective order supersedes previous written and verbal orders.

Defense counsel requested the court rule on the protective order.

Counsel for the People request additional language be included on the protective order.

Order modified by the court to added the verbiage "to the extent such items exist and are in the possession of the aforesaid entities".

All counsel in agreement with the order as modified.

Court believes it can sign the Order based on the stipulation of parties. Order signed by the court.

Matter continued to July 18, 2008 at 8:30 for Further Proceedings, Continued Arraignment, and entry of plea in Department 9.

4:35 PM

Court adjourned.

frmlmins.s (FMO-20)